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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF JUSTIN YAU IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY AND U.S. MARSHALS SERVICE

I, Justin Yau, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a student at the University of Portland studying communications under the G.I. Bill, with a focus on journalism; before that, I served in the U.S. Army, where I was deployed to the Middle East in support of Operation Inherent Resolve. I have covered protests in Hong Kong and Portland. My work has been published in the *Daily Mail*, *Reuters*, *Yahoo! News*, *The Sun*, *Spectee* (a Japanese news outlet), and msn.com. I have attended the protests in Portland as a freelance and independent journalist for the purpose of documenting and reporting on them.

2. In the early morning of July 15, I was covering the protests in downtown Portland outside the Justice Center and Hatfield Courthouse. I was taking photographs with my Nikon D3100 DSLR camera with an 18-55mm lens. I was also filming with a gimbal camera and my cellphone. I was wearing a high-visibility vest that said “PRESS” in large block letters and a helmet that said “PRESS” in large block letters. I also had a press pass around my neck.

3. The following is a true and correct photograph of the helmet and vest I was wearing:



4. A few minutes before 4:00 a.m., I was filming and photographing a small crowd of protesters at the intersection of SW 3rd Avenue and SW Main Street being pushed north by

federal agents. The crowd was largely in the street, with a few members on the sidewalk. Federal agents were firing on them with flash-bang grenades, pepper balls, and tear gas.

5. I was standing as far from the crowd as was possible while still reporting effectively. The police and federal agents in Portland have made me very fearful for my safety, so I usually try to stand far away, both to remain out of the line of fire and to make clear that I am not one of the protesters. From the perspective of the officers, I was on their far left, in the park, about 40 feet away from the main crowd and 150 feet away from the federal agents.

6. Nevertheless, a federal agent fired a tear-gas canister from a grenade launcher directly at me. Two burning fragments of the canister struck me, one on my leg and one on my arm. At that point, I shook them off and ran away until I was sure I was alright.

7. I have covered protests in Hong Kong, where a totalitarian regime is suppressing protesters with brutal violence. Even Hong Kong police, however, were generally conscientious about differentiating between press and protesters—as opposed to police and federal agents in Portland.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 17, 2020

DocuSigned by:

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Justin Yau